

REMARKS/ARGUMENTS

The non-final Office Action of December 12, 2007, has been carefully reviewed and these remarks are responsive thereto. The indicated allowability of claims 6, 19 and 32 as set forth in the Office Action mailed July 5, 2007, was withdrawn in view of newly discovered reference to Magret et al. (U.S. Patent No. 6,988,146). Independent claims 1, 14, and 29 have been amended, as have dependent claims 4-5, 7, 17, 18, 20-22, 27-28, and 35-38 to clarify the invention. Claims 6, 11, 19, 26, and 32 were previously cancelled. New claims 39, 40, and 41 correspond to previously cancelled claims 6, 19 and 32. Claims 1-10, 12-25, 27-41 are currently pending in accordance with the present amendment.

Claim Rejections Under 35 U.S.C. §103(a)

In the non-final Office Action mailed December 12, 2007, claims 1-4, 9-11, 29 and 34 were rejected under 35 U.S.C. 103(a), as being anticipated by Willars et al (2003/0013443) in view of Magret et al (6,988,146).

Claims 5 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willars and Magret in view of Chambert (U.S. Patent No. 5,499,387).

Claims 7, 8, 30 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willars and Magret in view of Kennedy, III et al (U.S. Patent No. 5,966,658)

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willars and Magret in view of Igarashi (U.S. Patent Pub. No. 2001/0053694).

Claims 14-17, 22-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willars and Magret in view of Funato (U.S. Patent Pub. No. 2003/0087646).

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Willars, Magret and Funato in view of Chambert.

Claims 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Willars, Magret and Funato in view of Kennedy.

Claims 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Willars, Magret and Funato in view of Igarashi.

Independent claim 1, as amended, claims:

1. A method comprising:
receiving from a first access router in a first network by a second access router in a second network that serves a different service area a request for authorization inquiry including an identifier that identifies a mobile terminal that is a candidate for a handoff operation;
causing a database to be queried via a server to determine whether the second access router is authorized to accept a handoff operation for the mobile terminal;
in response to determining that the mobile terminal is authorized to be handed off to the second access router, performing a handoff operation from the first access router to the second access router; and
in response to determining that the mobile terminal is not authorized to be handed off to the second access router, inhibiting the handoff operation from the first access router to the second access router.

As recognized in the Office Action, Willars does not teach access routers.

In addition, Willars fails to teach or suggest a first access router in a first network and a second access router in a second network as claimed in the method of claim 1. A prior Office Action mailed July 5, 2007, stated that Willars discloses a Serving Network, which reads on a first network, and that a Drift Network, which reads on a second network. Contrary to this assertion, Willars makes no mention of a Serving Network or a Drift Network, but rather discusses a Drift *Controller* and a Serving *Controller*. In fact, Willars teaches a single radio access network 14 having one or more radio network controllers (SRNC & DRNC). P. 4, ¶ 48; *see also* FIG. 1A. The multiple network controllers may help control radio resources and radio connectivity (p. 1, ¶ 6), but do not suggest or imply the existence of other networks, as asserted by the Office Action on pp. 2-3. That is, Willars only uses a single network. As such, Willars fails to teach or suggest a method of handing off a mobile terminal from a first network served by a first access device to a second network served by a second access device. Willars does not teach or suggest “receiving from a first access router in a first network by a second access router

in a second network that serves a different service area a request for authorization inquiry including an identifier that identifies a mobile terminal that is a candidate for a handoff operation” or “causing a database to be queried via a server to determine whether the second access router is authorized to accept a handoff operation for the mobile terminal.” Willars does not even mention the word, “server,” let alone a method that comprises “causing a database to be queried via a server ...” as claimed in claim 1.

Other cited art, such as Magret and Funato, do not remedy the deficiencies in Willars. Magret discloses a single “access router” attached to a plurality of base station routers wherein each base station router is connected to one or more base stations for communicating with mobile nodes in a coverage area of the base station. *See* Claim 1 of Magret. Magret further discloses that a base station informs a base station router of the presence of a mobile entering the base station’s coverage area by sending a mobile node advertisement message to a base station router. Magret, Col. 10, lines 20-25. Thus, Magret does not disclose “receiving from a first access router in a first network by a second access router in a second network that serves a different service area a request for authorization inquiry including an identifier that identifies a mobile terminal that is a candidate for a handoff operation” or “causing a database to be queried via a server to determine whether the second access router is authorized to accept a handoff operation for the mobile terminal.”

While Funato discloses forwarding of data between networks, Funato is silent as to a method comprising “receiving from a first access router in a first network by a second access router in a second network that serves a different service area a request for authorization inquiry including an identifier that identifies a mobile terminal that is a candidate for a handoff operation” or “causing a database to be queried via a server to determine whether the second access router is authorized to accept a handoff operation for the mobile terminal.”

Thus, even if a combination of Willars and Magret and Funato, or Willars and Funato is deemed proper, the combination does not result in the claim 1 as amended.

There is also no suggestion to combine the teachings of Willars with either Magret and/or Funato and modify them in a manner that results in claim 1, except using Applicant’s invention

as a template through a hindsight reconstruction of Applicant's claims. Such hindsight reconstruction is improper under *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited with approval in *KSR*).

The Office Action asserts with respect to the rejection of claims 14-17, and 22-26 that it would have been obvious to a person of ordinary skill in the art to modify the teachings of Willars and Magret to include Funato in order to transfer the functionality of mediating a handover processing to the access router which in turn optimizes the system by preventing use to (sic, of) radio resources for handoffs. There is, however, nothing in Willars, Magret or Funato that indicates that one of ordinary skill in the art would have recognized such a proposed combination or the benefits thereof. The Office Action fails to provide articulated reasoning and rationale underpinning to support the legal conclusion of obviousness. Such a rejection cannot be sustained.

The dependent claims depending from base claim 1 are patentable over a proposed combination of Willars and Magret and/or Funato for at least same reasons that claim 1 is patentable and for the additional features recited therein. The other cited references do not remedy the deficiencies in a proposed combination of Willars and Magret and/or Funato.

Independent claims 14 and 29 have similar features as claim 1. The dependent claims depending from base claim 14 or 29 are patentable over a proposed combination of Willars and Magret and/or Funato for at least same reasons that claim 1 is patentable and for the additional features recited therein. The other cited references do not remedy the deficiencies in a proposed combination of Willars and Magret and/or Funato.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully requests prompt notification of the same. If there are any questions, the examiner is invited to contact Applicants' undersigned representative at the number noted below.

Respectfully submitted,

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